

REMARKS

I. Introduction

In response to the Office Action dated December 22, 2003 claims 1 and 5 have been amended. Claims 1-3, 5-7, and 9-11 remain in the application. Re-examination and re-consideration of the application as amended, is requested.

II. Claim Amendments

Applicant's attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-3, 5-7, and 9-11 were rejected under 35 U.S.C. §102(e) as being anticipated by Saether et al., U.S. Publication No. US 2001/0042073 A1 (Saether).

Applicant respectfully traverses this rejection.

Specifically, claims 1, 5, and 9 were rejected as follows:

As to claims 1, 5, and 9, Saether teaches "obtaining a request to save a file in a requested file version, wherein the file contains an object" at [0031-0032], [0042-0043], [0084-0085];

"determining if the requested file version is earlier than an object introduction version of the object" at [0032-0033], [0035], [0049-0050], [0064], [0078];

"saving the file by streaming out data representing an instance of the object to the file in the requested file version if the requested file version is equal to or later than the object introduction version, wherein the data comprises actual methods and attributes of the object" at [0031-0033], [0034-0035], [0078];

"saving the file by streaming out the data representing the instance of the object to the file, in the object introduction version if the requested file version is earlier than the object introduction version" at [0031-0035], [0064], [0078].

Applicant traverses the above rejection for one or more of the following reasons:

- (1) Saether does not teach, disclose or suggest a file containing an object as claimed;
- (2) Saether does not teach, disclose or suggest determining if a requested file version is earlier than an object introduction version of an object in a file;
- (3) Saether does not teach, disclose or suggest saving a file by streaming out data representing an instance of an object;

(4) Saether does not teach, disclose or suggest streaming out such data that includes/comprises actual methods and attributes of the object;

(5) Saether does not teach, disclose or suggest saving a file by streaming out data representing the instance of the object in a requested file version if the requested file version is equal to or later than the object introduction version; and

(6) Saether does not teach, disclose or suggest saving a file by streaming out data representing the instance of the object in the object introduction version if the requested file version is earlier than the object introduction version.

Independent claims 1, 5, and 9 are generally directed to storing object data in a particular version. Specifically, a file often contains objects. When the file is saved, the object (i.e., data representing an instance of the object) is streamed out/saved as part of the file. The amended claims also provide that the representative data comprises actual methods and attributes of the object. The claims further provide for storing a particular version of the object by streaming data for a particular version of the object out to a file.

More specifically, the version of the file (that the object is being stored in) is compared to the version of the object when the object was introduced/originated. If the file version is the same or newer than when the object was first introduced, the file is saved such that (the data representing) the instance of the object is streamed out (e.g., stored) in the file version. However, if the file version is older than when the object was introduced, the file is saved such that the (data representing) the instance of the object is streamed out (e.g., stored) in the object introduction version. The cited references do not teach nor suggest these various elements of Applicant's independent claims.

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Saether merely describes a method and system for managing the replication and version synchronization of updates to a set of source files on geographically distributed heterogeneous content servers with minimal impact on a network's bandwidth. The configuration of each content server is either manually entered or automatically determined. The current version of the source files are created on at least one source server. A Primary global server stores a copy of the current version of the set of the source files along with the configuration of each content server. The

Primary global server generates and distributes a particular version change container and version distribution list to each remotely located Secondary global server. Each Secondary global server employs the version distribution list and the contents of the version change container to identify the current version of each source file necessary to upgrade the set of source files on each local content server. Each identified source file is copied to a sub-directory on each local content server associated with the Secondary global server. At each local content server, the renaming of each copied source file is employed to update to the current version of the set of source files on the content server. A versioned file tree repository for the set of source files includes archived objects. When the version distribution list identifies a previous version, the current version of source files on the local content servers can be rolled back to the previous version (see Abstract).

Firstly, Saether's use of objects are not even remotely similar to that used in the presently claimed invention. Paragraph [0008] describes Saether's use of an object:

[0008] In accordance with other aspects of the present invention, the method provides for archiving each version of the set of source files in a repository on the global server, the archiving causing each source file to be individually compressed and stored as an archived object in the repository associated with the global server. The repository can be a versioned file tree repository for the set of source files. (Emphasis added)

As used in Saether, a source file may be compressed and stored as an archived object in a repository. Thus, while Saether provides for storing a file as an object, the present invention provides for a file that contains an object. Further, the file is saved by streaming out methods and attributes of the object. Accordingly, Saether's object use is completely different and distinguishable from a file that contains an object as claimed.

The second claimed element (of claim 1) provides for determining if a requested file version is earlier than an object introduction version of an object (that is contained in a file). In rejecting this element, the Office Action relies on Saether paragraphs [0032-0033], [0035], [0049-0050], [0064], and [0078]. However, none of the cited portions even remotely describe this claim element.

In paragraph [0032], the only comparison conducted is to determine a difference between an updated version of a set of source files (stored in a versioned file tree repository on a Primary global server) and the current version of the set of source files (stored in another versioned file tree repository on each Secondary global server). Accordingly, there is no comparison conducted with respect to a file version and an introduction version of an object contained within the file. Nowhere

in paragraph [0032] is there any reference, implicit or explicit to an introduction version of the object.

Paragraph [0033] merely provides for generating a current version of source files and files to be removed for each local content server based on an update version identified in a version delivery list. However, there is no determination as claimed. Further, there is no object introduction version even remotely mentioned or described implicitly or explicitly.

Paragraphs [0035] and [0064] merely describe how servers may rollback to a previous version and how source files (that didn't exist in a previous version) may be deleted after copying to a local content server. Again, there is no reference, implicit or explicit, regarding a determination if a requested file version is earlier than an object introduction version of an object within a file. In fact, these paragraphs do not describe or refer to an object or object introduction version whatsoever.

Paragraphs [0042-0043] provide for copying only those source files from source servers that are determined to be different than the set of source files stored in a versioned file tree repository on a Primary global server. Again, such a determination does not even remotely teach the determination as claimed – there is no object or object introduction version even mentioned in either paragraph.

Paragraphs [0049-0050] merely describe a comparison between different files. Specifically the paragraphs describe comparing information for a source file to the current version of a source file. In this regard, different source files are compared to each other. Such a comparison is significantly distinguishable from comparing a requested file version (and not a current version or existing version) to an object introduction version for an object within the file.

Paragraph [0078] merely refers to FIG. 6B which illustrates a file tree 200' and a versioned file tree repository 208'. However, there is no determination made in FIG. 6B (or in paragraph [0078]) nor is there any mention, implicit or explicit of an object introduction version.

The third and fourth elements of the claims describe the process for saving a file. Both steps save a file by streaming out data representing the instance of the object to the file. Further, the data comprises actual methods and attributes of the object. However, in the third element, the requested file version of the object is streamed out, while in the fourth element, the object introduction version of the object is streamed out.

The Office Action rejects the third and fourth element relying on paragraphs [0031-0035], [0064], and [0078]. Examining paragraphs [0031-0035], Applicant notes that these paragraphs completely fail to provide for streaming out data. Instead, these paragraphs merely provide for copying various source files into particular directories and servers. There is no description of a file streaming out data whatsoever.

Further, the claims specifically provide for streaming out data representing an instance of an object that is contained within a file. The cited paragraphs do not describe any such object or instance of an object. In fact, an electronic search of Saether for the term "instan" provides no results whatsoever. Without even mentioning the word instance or referring to an instance of an object, Saether cannot possibly teach, implicitly or explicitly, a claim that specifically provides for streaming out data that represents an instance of an object. Under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The object-oriented aspect of the claims and the use of an object and object introduction versions cannot merely be ignored. Instead, the prior art must teach every element and word including the "object" aspects of the claims. Saether fails to do so.

Similar to paragraphs [0031-0035], paragraphs [0064] and [0078] also fail to teach streaming out data and/or a data representing an instance of an object. Instead, paragraph [0064] merely described FIG. 4 and provides for sending a version delivery list (indicating a previous version of the set of source files stored in a versioned file tree repository on the global server) to a global server. Further paragraph [0078] (as described above) merely describes FIG. 6B that illustrates a file tree 200' and a versioned file tree repository 208'. However, such a teaching does not describe, teach, or suggest, the claimed elements for the reasons stated above. Further, these cited portions also fail to describe streaming out in a requested file version if the requested file version is equal to or later than an object introduction version AND streaming out in an object introduction version if the requested file version is earlier than an object introduction version. In fact, nowhere in Saether is there any description of such claim elements, implicitly or explicitly.

In view of the above, Saether completely lacks any suggestion of streaming out, streaming out in a particular version, objects, object introduction versions, and comparisons between a requested file version and an object introduction version.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Saether. In addition, Applicant's invention solves problems not recognized by Saether.

Thus, Applicant submits that independent claims 1, 5, and 9 are allowable over Saether. Further, dependent claims 2-3, 6-7, and 10-11 are submitted to be allowable over Saether in the same manner, because they are dependent on independent claims 1, 5, and 9, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-3, 6-7, and 10-11 recite additional novel elements not shown by Saether.

IV. Conclusion

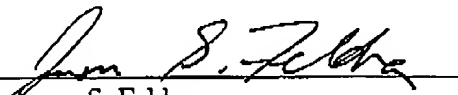
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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